January 4, 2003

Dear Colleague:

Executive Summary

This past December, I made a journey to Northeast China along the North Korean border. I spent three days in the Yangbian Prefecture (December 14-16), including a six-hour drive along the North Korean border, and two days in Beijing (December 17-18). The purpose of my trip was to discuss a wide range of issues with the primary focus on the circumstances facing North Korean refugees and border-crossers inside China, and human rights and economic conditions inside North Korea.

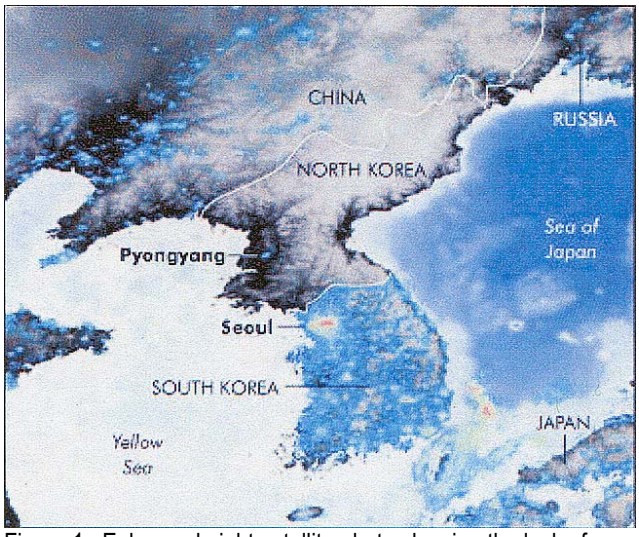

Figure 1: Enhanced night satellite photo showing the lack of activity in North Korea (blue areas indicate sensitivity to heat); the border areas we visited are in the Northeast area near the Russian border

Over the course of five days, I met with State Department personnel, local mayors of cities along the North Korean border as well as officials of the Yangbian Korea Autonomous Prefecture and Jilian Province, and national officials including the Vice Premier, Qian Qichen, human rights and refugee organizations, scholars and educators, clergy and journalists. My staff went on to South Korea and held discussions with South Korean and international non-governmental organizations and government officials in Seoul. In addition to our official meetings, we had informative unofficial and informal contacts, including interactions in northeast China with local citizens such as shopkeepers, drivers, although much of these activities were significantly curtailed by the presence of our Chinese "hosts," which included a senior member of the Chinese Embassy in Washington, D.C. and the local Yangbian Prefecture officials.

As I reflect upon my journey to the North Korea border area -- especially in light of the continuing nuclear brinkmanship on the Korean peninsula -- two points are worth emphasizing: (1) while none of the local mayors and officials in Northeast China – those with the most direct knowledge of the plight of the North Korean refugees – were willing to directly confirm the testimonies of mass starvation, persecution, and torture in North Korea that I had heard in

testimony in Washington last year, not one of them denied that these violations could not happen or were not happening; and (2) that the terrible conditions faced by the refugees – and the number of refugees fleeing – were likely to get much worse this year.

The journey to this part of China near the North Korean border has only reinforced my belief that the international community must not neglect the enormous human tragedies of our times: the starvation, depravation, persecution and direct murder of thousands and maybe even millions of the citizens of North Korea. They deserve our intense focus and action.

We should be working vigorously to support many of the non-governmental organizations working under difficult circumstances to provide humanitarian relief to North Korean refugees in Northeast China. In particular, we should aggressively press the United Nations through the U.N. High Commissioner on Refugees (UNHCR) to live up to its mandate to care for refugees and support their effort to gain access to the Northeast China region in order to make a formal assessment of the North Korean refugee problem.

Refugee are also the human dimensions of a humanitarian crisis. Whether we like it or not, the plight of hundreds of thousands of North Korean refugees – and the prospect for many more fleeing across the border in the coming months and year – is a problem that will not go away and one that our allies and friends in the region – especially the Chinese – will have to face. The nuclear threats by North Korea are specifically designed to divert us from this problem which we will have to confront sooner than later. Only when the international community along with our allies in Northeast Asia rise up to meet the challenge of finally recognizing and providing assistance and encouragement to these refugees, will the North Korean problem and the threat it poses be solved.

The Context

When I arrived in Beijing on Saturday, December 14, 2002, it had been almost a year and a half after a group of 25 North Korean refugees made a successful asylum bid at the Spanish Embassy in Beijing. After several months in detention at the embassy, they were eventually allowed to travel to Manila and, ultimately, South Korea. Immediately after the dash into the embassy, Dr. Norbert Vollertsen, a German doctor and campaigner for human rights in North Korea, allegedly "broke with the script" for the event when he began speaking to international journalists outside the Spanish Embassy. In remarks that is likely attributed to widespread crackdown by the Chinese authorities, Dr. Norbertsen was widely quoted as saying that "Next time, I would like to bring 100 to 150 North Koreans to Beijing," and that he would like to create "a flood of thousands of North

Figure 2: North Koreans attempting to escape into the Japanese Consulate in Shenyang, China, earlier in 2002

Koreans" across the border. A month later, a video tape of another attempt at the Japanese Embassy in Shenyang by three members of the Han-mee family, including a three year old girl, produced an international outcry and highlighted the plight of the North Koreans and the extraordinary degree to which they were willing to risk their lives to seek freedom.

The Chinese reacted to these events coordinated with international media outlets with a severe crackdown in the Northeast China border area as well as heavy Chinese security around foreign embassies in Beijing. Even though China is a signatory of the 1951 Convention on Refugees and had even negotiated an agreement with the UNHCR for the establishment of an enhanced presence in the region, it was clear to us that these conventions were not being followed. Although we did not see any increased security at the border, it was clear from the absence of street urchins and North Korea refugees in market areas either begging or seeking work that made this painfully clear. According to NGOs and other groups, for the past year since the asylum bids, refugees including so-called street children or "Kochebis" as they are called (translated as "small swallows" in Korean in that the children dart around shoppers in market areas looking for handouts or garbage) have all but disappeared from border areas. We were told several times through informal contacts -- shopkeepers and NGOs -- that most refugees are either hiding in the mountains north of Tumen, in safe-houses, under detention or repatriated back to North Korea.

Figure 3: Chinese security personnel securing the perimeter of an embassy in Beijing.

Sunday, December 15, Yanji, in Northeast China

We traveled directly to Yanji when I arrived in Beijing after brief visits in London and New Delhi. Our itinerary was organized by a host committee, the Chinese People's Institute for Foreign Affairs (CPIFA), together with the U. S. Consultate's Office in Shenyang. Accompanying us for the Yanji portion of the trip were Shenyang Consul General Mark Kennon and Foreign Service Office Graham Meyer. In addition, we were joined for the entire length of the trip by Zhang Keyuan, Minister Counselor of the Chinese Embassy in Washington. Translators were provided by both the Jilian Provincial Government, the CPIFA and the U. S. Consultate's office in Shenyang.

Yanji is the capital of the Yangbian Korea Autonomous Prefecture which has the longest border with North Korea. Thirty-eight percent of Yangbian Prefecture are ethnic Korean Chinese, most of whom have been residing in the area for many generations. During the drive through the city of Yanji, store signs were in both Korean and Chinese. More than 30% of Yangbians are bilingual in Korean and Chinese with the rest being Han Chinese who only speak Chinese. Even our Yangbian hosts, a deputy director of the Yangbian Foreign Affairs office and his driver, spoke Korean fluently with my Korean-speaking staff.

This made me wonder if the testimonies of persecution in China faced by North Korean

refugees were true. After all, if they could speak the language, couldn't they blend into the population? During the course of my time in the Yanji area, the answers I got to this question boiled down to basically three points: (1) a North Korean refugee (as opposed to someone who can cross the border on a regular basis for commercial or official or semi-official reasons) is easy to spot: (a) they are shorter in stature, (b) they obviously do not speak Chinese (especially those from further inside North Korea), and (c) they have no intention of going back and most likely move further inland into China to avoid having their cover blown by bounty-hunters or others; (2) a substantial number of refugees cross over with the help of human traffickers, especially young women who are sold to ethnic Chinese further inside China; and (3) others are seasonable or short-term laborers who are also brought over by traffickers and then abandoned by employers or turned over to Chinese security officials after the work is done, very often without pay. In the past, there were also a substantial number of children but these have largely disappeared.

Apart from these groups, there are others who are able to operate with relative ease between the borders – those involved in strictly sanctioned commercial (import/export brokers and commerce officials linked to the North Korean government) and criminal activities (human trafficking, drugs, smuggling operations, etc.). In an informal conversation with a sales assistant at the Daewoo Hotel by my staff, about a year and half ago, a defector who was part of Kim Jong-il's inner circle was trapped at one of the nearby mountains by both Chinese and North Korea security agents. Eventually, that individual was caught along with a dozen co-conspirators and immediately dispatched back to North Korea. The sales assistant expressed fear of North Koreans, because, as she put it, "they will do anything to survive," implying that the North Koreans resort to petty and sometimes violent crimes. My staff was not able to determine if the sales assistant was talking about genuine refugees seeking to escape or those who are able to cross the border with relative ease and then commit crimes in China. The sales assistant did indicate that those who are able to blend into the population, engage in small businesses (sometimes with the help of South Korean or ethnic Korean Chinese relatives), but that many of these businesses often fall prey to North Korean agents' extortion schemes either under threat of blowing their cover to the Chinese authorities.

Based on testimonies at the Senate hearing and in meetings with various organizations, there are a number of international NGOs, with links to faith-based organizations that used to operate in the area specifically to usher refugees out of China through an underground railroad network. As a result of the crackdown, most if not all of these groups have been dispersed or shut down altogether. The only ones that are able to operate do so under tight surveillance and are limited to officially sanctioned relief work. Within North Korea, I am aware of the Eugene Bell Foundation, which operates mobile TB units and quarantined TB rehabilitation centers. We were unable to meet with the staff of NGOS in Northeast China and certainly not any refugees for fear of reprisals. With a convoy of three cars, which included an official car with police lights leading the way, it was virtually impossible to get an accurate picture of the refugee situation in Northeast China. In this context, the trip was instructive for what we were not allowed to see or the people or organizations we were not allowed to meet with, then what we were allowed to see and do. (One of my staff members, however, did manage to meet with one activist in Beijing as well as a refugee.) The carefully orchestrated schedule put together by the

Ministry of Foreign Affairs through a host committee was designed to make sure that I would get to see only the best of the conditions in Northeast China. .

As an illustration of this choreographed itinerary designed to show the best that China had to offer, the next day, Sunday, December 15th, we had an opportunity to attend the 9 a.m. service of the Yanji Protestant Church, only a few minutes from the Daewoo Hotel where we were staying.

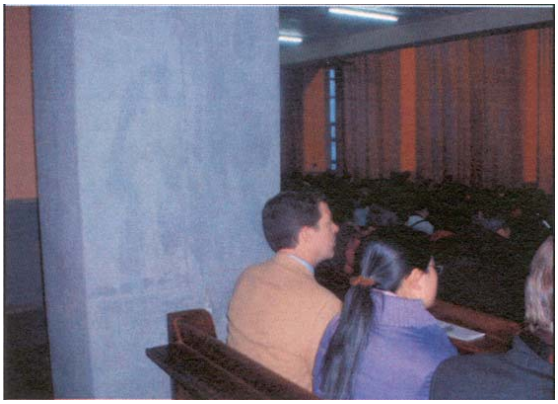

Figure 4: Inside Yanji Protestant Church

By coincidence, Assistant Secretary of State Lorne Craner, was already in Beijing for consultative talks with the Chinese on the persecution of religious minorities in China. But judging by the size of the congregation -- 1,500 at least -- and the open nature of the Yanji Protestant Church's service that morning, it was easy to believe that religious activity was not only tolerated but encouraged. The fact of the matter is that the Yanji Protestant Church, like other officially registered churches, appear to be given a lot of leeway -- as long as the focus of the sermons and related religious activities are for self-improvement and not for social change. Because of the influence and impact of the Christian movement in South Korea, this has had a significant impact on the Yangbian Korea Autonomous Prefecture. One of our Chinese hosts (an ethnic Korean Chinese) indicated that this region had the largest concentration of churches in all of China, and very likely a significant number of underground churches, many with links to South Korean and U. S. churches and are involved with helping Korean refugees. (In a related note, my staff informed me of a recent mission to the region by a Korean American church in Northern Virginia, the Korean Central Presbyterian Church of Merrifield, Virginia, whose members were briefly detained by the Chinese authorities on charges of proselytizing and released only after paying a fine of 2,000 yuan or about $250; their missionary activities were conducted in secret until they were caught).

Figure 5: With the Pastor of Yanji Protestant Church in his office

The subject of that morning's sermon -- it was conducted in Korean (with a Chinese service in the basement of what was arguably one of the larger buildings in Yanji) was precisely on cue. The message delivered by the pastor to an audience of about 1,500, as translated by my staff, was one of subservience to the family and to the country in accordance with the teachings of the Lord, that the Bible teaches us not to lie, cheat or steal or commit other crimes against the state, and that we should accept the difficulties of our lives with the knowledge that the state through the Lord takes care of everything.

Figure 6: At Yanji Market with US Consul General Mark Kennon, Zhang Keyuan, Minister Counselor, Chinese Embassy, Washington, D.C.

After the service, I had an opportunity to meet the pastor in his office, and, as always, with our Chinese minders. When I asked to meet with the pastor for a private meeting, as I had wanted to have him pray with me, the pastor diplomatically declined by stating that he had to prepare for the next service. During part of the service, my staff was able to wander around the first floor, which had offices and smaller services, including one in Chinese. The Church seemed unusually well-attended and my staff inquired if it was usually this crowded. One parishioner indicated that the evenings were more active with smaller groups but that the crowd this morning was unusually large.

Figure 7: View of Yanji Market

Later that morning, we had a chance to visit the Yanji market, a bustling area with both outside vendors and indoor vendors. During the tour of the market in Yanji, my staff was able to determine through informal contacts with the shopkeepers that some products like cuttlefish ("O-jin-uh") or pepper paste ("Ko-chu-jang") and handmade ornaments or what appeared to be antiques were from North Korea or were bought directly from North Koreans near the border or in Yanji. When asked if those North Koreans were not afraid of being caught, one shopkeeper said, "These are connected people or people near the border who know the system like who to bribe or being protected by someone higher up." Although this particular conversation was curtailed by the presence of our Chinese minders, it left open the question that those who crossed the border from further inside North Korea were likely to be persecuted not only in China but that upon repatriation, they would be dealt with more severely.

What was striking about the Yanji market, so close to the border, is that both the Chinese and the North Koreans appeared to benefit from this commercial activity. Based on informal and discrete conversations with shopkeepers and one of the drivers by my staff, this kind of commercial activity -- mainly bartering arrangements -- is certainly not discouraged by the Chinese and is by some estimates a significant source of food and other products for the elites in North Korea. The Chinese in exchange get raw materials such as coal, some agricultural products and seafood into China, including organized labor pools. In the past but to a lesser extent now, those considered elites in North Korea -- party officials, the military and diplomatic staff, regularly make shopping and/or vacation forays into this area and especially the Yanji

market, as my staff was told.

Later that afternoon, I had a chance to meet with the faculty and students of Yangbian University of Science and Technology ("YUST"). YUST, which first opened its door in 1991, is an officially sanctioned school started by a Korean American missionary, Jung Yup Kim. Mr. Kim, who owned a chain of clothing stores in Florida, sold off his assets to set up the YUST with the help of donations from South Korea and the United States. Interestingly, just prior to our departure to YUST, we were advised that the Chinese authorities were threatening to close down the university if there were "any discussion of christianity, refugees or democratic reforms." Nevertheless, we were warmly and graciously welcomed by the University and had a chance to meet with the international faculty, although most were Korean Americans.

Figure 8: With Faculty and Staff of Yangbian University of Science and Technology, Yanji, China

The dinner that evening was hosted by Mr. Chen Kaifeng, the Deputy Party Secretary of Yanbian Korean Autonomous Prefecture. In informal conversations with my Korean-speaking staff and a driver of one of our cars, we were told that the power structure of the Yanbian Prefecture usually has an appointed ethnic Chinese Korean at the top, but that deputies were almost invariably Han Chinese. Mr. Chen was an ethnic Han Chinese and did not speak Korean. In an hour-long discussion with Mr. Chen, he took a great deal of time to let me know that China, and the Yanbian Prefecture in particular, has a long and close relationship with North Korea. After all, more than 30% of the population are of Korean origin. In addition, given the long border with North Korea, it was only appropriate that these close relationships would exist. He also mentioned that during some of the difficult economic times that China suffered in the 1960s and 70s, many Chinese took refuge in North Korea.


Figure 9: With Mr. Chen Kaifeng, Deputy Party Secretary of the Yanbian Korean Autonomous Prefecture

Mr. Chen seemed perplexed by my inquiries regarding the treatment of North Korean refugees by the Chinese authorities. Like others, he first indicated that the North Koreans were not refugees but economic migrants. To the extent that they can, Mr. Chen indicated that they would actually house, cloth and feed them before allowing them to go back across the border. Many

come to make a little money, sell a few things, but they all want to go back home. Therefore, Mr. Chen, indicated, "We don't stop them."

Monday, December 16th, Tumen City (Tumen Bridge Border Crossing), Hunchun and Quanhee Port of Entry, and Fangchuan (the Juncture of China, DPRK and Russia)

Figure 11: A view of North Korea across the Tumen River

The highlight of the Yanji trip was a 6 hour drive along the Tumen River next to the North Korean border and stops along the way. The border in this region is defined by the meandering, easily traversable waterway called the Tumen River. When it used to be easier to cross over the river into Tumen City on the China side before the crackdown, local security officials were relaxed enough to say that "as long as [North Koreans] have one foot in the water, they haven*t left North Korea." At the time of our visit, the Tumen River was frozen. In fact, most of the Tumen River along Tumen City is no more than two or three feet deep at points, and will fill only a portion of its shallow riverbed. Strikingly, what one will not see are any observable man-made barriers or human security presence along this stretch of border, except near designated crossing points like the bridge in Tumen City or Fangchuan. The proximity of North Korea to the roadway was surprising since we were able to see a few North Korean settlements and villages just across the creek bed, opposite the roadway. Nearly three inches of snow fell that day and this enhanced the starkness of the mountains on the North Korean side, literally stripped bare of trees, as most of these have been cut down for use as fuel. Because of the extremely porous border and the large ethnic Korean population on the Chinese side (many of whom have relatives across the border), the Yanbian border area is where many, if not most of the North Korean border-crossers enter China. Very few North Koreans live near the border and if a North Korean is fleeing his country, he or she quickly moves beyond the Chinese border cities to keep from being detected.

Figure 10: View of Tumen River Bridge into North Korea; two North Koreans walking towards the China side.

In Tumen City, we were met by its mayor and a few other officials and had an opportunity to walk on the bridge that crosses into a North Korean town. This is the bridge where eyewitnesses have observed trucks filled with North Korean refugees being repatriated (in one instance tethered to wires through their noses). From the moment we got out of our cars, a soldier at one of the towers on the China side filmed the whole time we were there. It appeared as if the North Korean authorities were aware of our visit (Chinese and North Korean security personnel stay in close contact) as we were able to observe one North Korean and two others walk towards us, all

of whom appeared to be in civilian clothing. We also saw a blue truck with its bed filled with coal. North Korean trucks are identified by their blue color

Figure 13: On the Tumen River Bridge with Tumen City

Just prior to entering the city of Tumen (pronounced "Doo-man" by the ethnic Korean Chinese), the foreign service officer from the US Consulate's office in Shenyang pointed out a large pink building on a high ledge which he said was the well-known Tumen Deterntion Facility. It is here that North Korean refugees who are caught are detained before being repatriated back to North Korea. In a private and informal conversation with one of the drivers by my staff, a few months back, a group of refugees were rounded up, put in a truck and paraded around the town of Tumen as a stark warning to those who might be thinking about harboring any North Korean refugees.

Figure 12: On the Tumen River Bridge with two North Koreans walking towards us on the China side; note the shallow, frozen river

One of the more informative meetings was with the Mayor of Hunchun, one of the northernmost cities along the border near Russia. Mayor Lee, a relatively young man, openly discussed how his city handles the refugees. He seemed to sympathize with their plight and when pressed did not deny that the North Korean people endured tremendous hardships. "That is why," as he put it, "we help them by giving them food and shelter before sending them back." When I mentioned that we had heard compelling testimony about the persecution that repatriated North Koreans face, the Mayor answered that he could understand how that could happen.

Due to almost three inches of steady snow since our arrival in Yanji as well as visibility of less than 50 meters in Beijing, our flight back to Beijing on the evening of the 16th was delayed until the next day.

Tuesday and Wednesday, December 17-18, 2002, Beijing

The Refugee Issue

Figure 14: Luncheon discussion with Mayor Lee of Hunchun

In addition to securing freedom for more than 25 North Koreans involved, the events at various embassies was intended to publicize the plight of the many North Koreans who have escaped into China. Estimates of the number of North Koreans currently inside China range from 50,000 to 300,000 (with 100,000 to 200,000 being the numbers most frequently quoted in the press). There is no question that those who live near the border and are familiar with the system – who to bribe, when and how to cross – or have relatives across the border in China are able to enter China temporarily to obtain food or earn money before returning to North Korea. However, even among this group, there is a significant (and reportedly growing) number of North Koreans who are seeking to leave North Korea indefinitely, hoping to remain in China or to make their way to third countries, particularly South Korea. Many of these people are fleeing severe political and religious repression, especially from deeper inside North Korea. One group involved with assisting refugees reported a significant number of unaccompanied women and children still coming out of North Korea, which it took as an indication that the food situation remains serious and will likely only worsen this winter. As a similarly dire indicator, one human rights organization described cases in which North Korean women deliberately have sought out human traffickers even being fully cognizant of the risks for being sold into sexual slavery.

Precise statistics are inevitably anecdotal and imprecise because the Government of China refuses to allow the U.N. High Commissioner for Refugees (UNHCR) any access to the border region, and does not permit systematic, overt outside assistance to North Koreans in the area. Although, we were unable to meet with any refugees or even NGO groups, my staff did meet with a few in China and more intensely in Seoul, South Korea. According to his report, North Koreans captured by China and returned into the hands of North Korean authorities face a broad range of persecution. On the less severe end, many returnees who crossed into China looking for food (and whose cases do not raise other red flags for North Korean authorities) are subjected to severe detention (that may include shackling, beatings, and other torture) for a period of days, weeks, or months before they are released. A number of those people turn up inside China again and again -- as long as they are able to demonstrate that the crossing was strictly for food or if they are able to bribe border guards. North Korean authorities general treatment of mere food migrants is reportedly less severe today than it was before the famine in the mid-1990s, at which point the number of border-crossers increased dramatically, but in light of recent events, this may not necessarily be the case. In some atypical cases, returnees have even alleged that their Chinese captors treated them more harshly than the North Korean authorities to whom they were returned. In one such case reported by a staff CODEL to the region last year and confirmed by

NGO groups in Korea, Chinese authorities raided an underground shelter for North Korean children in November of last year. Before sending them back to North Korea, Chinese security personnel tortured some of the adolescent boys with electric cattle prods in an attempt to extract information about who had been helping them while they were inside China.

Being returned to North Korea is far more dangerous for many others, as has been confirmed by a former North Korean security official responsible for arresting refugees in the border region. Active-duty military and Party members who have fled into China are likely to be executed upon their return. North Koreans who are attempting to escape to third countries (other than China) are either executed or sent to a political prison camp. Religious believers, repeat border-crossers, and refugees who have had contact with South Korean or Christian organizations while they were in China also face severe treatment, which may include torture, execution, or internment in a political prisoner camp. Many others who are simply not familiar with how the borders work and are escapees from further inside the country face similar harsh treatment.

Religious Persecution

Refugees and defectors consistently deny the existence of any meaningful religious freedom in North Korea. What had been called the "Jerusaleum of Asia" is today a place of persecution for Christians. One defector reported that seven people were publicly executed in North Hamgyong last year for having Bibles and religious publications, a story reportedly confirmed by several other refugees who have since escaped from the area. According to a former North Korean security official in that region, intentionally introducing anything religious into North Korea (such as Bibles or religious literature) is considered an anti-state crime. That former official also described government-sponsored "anti-Christianization" campaigns and espionage activities directed against South Korean missionaries inside China, and cited a 1996 case in which three suspected Christian leaders within his jurisdiction were sent to political prisoner camps. Another source in contact with underground Christians in North Korea claimed that approximately 400 Christians were executed inside North Korea in 2001. More recently, Tim Peters of Helping Hands Korea reported at an American Enterprise Institute Conference that four defectors caught with bibles early this March were marched to a public execution grounds in a village square and each shot three times in the face.

DPRK Security Agents Operating in China

A number of reputable individuals and organizations have confirmed that North Korean undercover agents operate secretly inside China both in Yanbian and even as far away as the Mongolian border region to capture North Koreans who are attempting to escape. Some are even reputed to be in South Korea in connection with criminal elements or gangs. One former officer from the North Korean National Security Defense Ministry described how he used to travel into China four or five times a month to covertly pursue high-profile defectors and return them to North Korea, even though he lacked formal arrest authority within China.

<u>Discussions with the Chinese Officials</u>

Surprisingly, in my discussions with the Chinese, at levels even as high as Vice Premier Qian Qichen, the Chinese acknowledged that they send these "economic migrants" back. Vice Premier Qian, citing a long history of cooperation and relationship with the North Koreans, said that the Chinese in a humanitarian gesture provide shelter, food and clothing before they are sent back. And that with regard to any persecution, he was not aware of that happening.

Again, in response to my point about China's obligations as a signatory to the 1951 UN Refugee Convention and the 1967 Protocol, the Vice Premier stated that these people are not refugees but economic migrants. Chinese officials also claimed that it is obligated by treaty to return all border-crossers into North Korea, though the text of that treaty has never been publicly released. As one NGO group in Seoul said, the real reason for this treaty was to make sure that *high-level defectors* are never allowed to escape to the West and that they are returned for execution.

With all the officials we met, we were reminded time and time again that China actually provides illegal North Korean border-crossers with "food and shelter" before "persuading" them to return, although I was not given an opportunity to see any evidence of this. All of them dismissed reports of mistreatment of returnees by North Korean authorities, although in my discussion with the mayor of Hunchun, it was clear that they were aware of persecution in North Korea and that they could not deny that it indeed does occur.

The Chinese officials were also puzzled by the amount of attention I paid to the refugees and indicated that there are actually so few of them especially with the food crisis compared to the mid-1990s now significantly abated. Both national and local officials in China asserted that the issue of border-crossers was "stable," and denied that any persecution exists. The mantra against taking any action that might give the North Koreans official refugee status was the need to maintain stability in the region. It did seem clear to me that the Chinese officials were aware of the terrible conditions inside North Korea and that the Chinese did not try to defend what the North Koreans were doing to their own people.

In informal discussions with non-official locals, it was also clear that the terrible problems in North Korea was common knowledge. Like others who have traveled to the area, we found that local sales assistants, drivers, and others confirmed that there a severe crackdown on North Korean border-crossers was continuing. As one shopkeeper said, "You don't see as many begging children." NGO groups report apartment-to-apartment searches and an increase in spot ID-checks. Churches, in particular, are under heightened surveillance -- including officially sanctioned ones. Some of this surveillance, however, may be the result of a crackdown on religious activity in general and not necessarily aimed solely at cross-borders (although they are known to seek assistance at churches within China).

As a result of the crackdown, most of the refugee advocates – not to mention the refugees themselves -- are in hiding up in the mountains and have moved deeper underground and farther inland, away from urban areas, in order to avoid the searches by security personnel. One NGO activist mentioned finding a group of North Korean refugees in a mountainous area, north of Yanji. Of course, many have been repatriated, although those numbers will be impossible to

ascertain.

Quiet Diplomacy vs. Sustained Advocacy

There is an ongoing debate -- even among refugee advocates -- about whether quiet diplomacy or public and sustained advocacy will do the most good for North Korean refugees. Advocates of the quiet diplomacy approach note the previous, relative neglect of the illegal migrant issue by local Chinese officials along the border region, which allowed many organizations and individuals to provide quiet assistance to North Koreans inside China. Mercy Corps is one of those organizations as well as the Eugene Bell Foundation inside North Korea. These and others argue that raising the public profile of the issue forces the central government to respond, resulting in a crackdown.

On the other side of the scale, some assert that the extended deterioration in conditions for refugees inside China over the last year argues for a new approach (some have withdrawn altogether such as Doctors without Frontiers). In addition, China has fewer reasons to defer to North Korean sensibilities (as opposed to South Korean, American, or European sensibilities, for example) than it did at the time it signed the secret repatriation treaty with North Korea in the 1960s. Kim Jong-Il's erratic behavior with the admission of a secret nuclear weapons program and the expulsion of IAEA inspectors only heighten this view.

The porosity of the border in the northeast has acted as a "safety valve," helping some North Koreans who live near the border cope with the severe lack of food in their own country, but this argument is no longer a consolation to NGOs and other groups because of the crackdown. Nor should it be for those who have an interest in seeing the collapse of the North Korean regime. In many ways, the Chinese government is essentially propping up what is essentially a failed state that has given up on its people altogether.

In my discussions with the Chinese, however, their keen interest in maintaining stability will not likely make them amenable to any interference by the UNHCR or even NGO groups involved in relief work. However, the Chinese are growing weary of the North Korean leadership andmay be open to work with us rather than be blamed for the deaths and despair that continues inside that closed country.

Which is why it is important to keep up the pressure on the Chinese and remind them of their obligations as a mature and developing country, especially one hosting the Olympics, to deal with the refugees in a way that does not offend international and customary laws. At a minimum, a commitment to non-refoulement of North Korean refugees is critical.

Although there is not a unanimous consensus even among refugee organizations about the best approach, there does seem to be a shift towards public discussion encouraging China to abide by its obligations under the Refugee Convention. Many organizations such as the US Committee on Refugees, Human Rights Watch, Amnesty International, IRC and others argue that contrary to their earlier "quiet diplomacy" approach, they feel the time had come for "sustained advocacy"on

behalf of refugees.

The countries in the Northeast Asia region as well as the United States will have to prepare in earnest how best to deal with the continuing threats from North Korea. In doing so, I hope we will not forget the North Korean people who have yearned for almost fifty years to be liberated from the tyranny that continues to hold them in bondage.

Sincerely,

Sam Brownback
United States Senate

Filename: North Korea Dear Colleague.doc
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